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VIA U.S. MAIL & ONLINE SUBMISSION

National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460

November 11, 2015

Re: Freedom of Information Act Request

Dear Freedom of Information Act Officer:

On behalf of Earth Law Center (“ELC”) and pursuant to the Freedom of Information Act, 5 U.S.C. § 552, I request that a copy of the following documents be provided to me by the U.S. Environmental Protection Agency (“EPA”):

1. All correspondence between EPA and the U.S. Environmental Protection Agency, Region 9 from November 1, 2010 to present related to EPA’s guidance titled, “Information Concerning 2016 Clean Water Act Sections 303(d), 305(b), and 314 Integrated Reporting and Listing Decisions” dated August 13, 2015;
2. All drafts of EPA’s guidance titled, “Information Concerning 2016 Clean Water Act Sections 303(d), 305(b), and 314 Integrated Reporting and Listing Decisions.”

We request that to the extent that the EPA can do so, ELC be furnished with electronic copies of the above documents in lieu of paper copies to minimize the expense and burden of copying.

If all or part of the request is denied, please provide the name, address, and telephone number of the agency official responsible for the denial, and the official responsible for appeals of denial requests. Also, if portions of the requested records are exempt from release, we request that all reasonable, segregable, nonexempt portions of those records be released. We reserve our right to appeal the withholding or deletion of any information.

Additionally, I hereby also request a fee waiver for searching for, duplicating, and/or sending the above requested files, pursuant to 5 U.S.C. § 552(a)(4)(A)(iii). These documents, which states that “documents shall be furnished without any charge or at a charge reduced below the fees established under clause (ii) if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of operations or activities of the government and is not primarily for commercial purposes,” as set out below ELC requests a

waiver of fees for searching for and duplicating the above requested records. To the extent the requested fee waiver is not granted, please contact me at lsheehan@earthlaw.org.

The Documents Relate to Past and Proposed Activities of Great Interest to the Public

ELC works particularly to ensure that waterways and aquatic species enjoy rights to the water quality and flows that they need to thrive and be healthy. For more information on our clean water work, please see: <http://www.earthlawcenter.org/california-waterways>. Waterway and species rights necessarily underlie a water governance system that effectively guides our behavior. The documents requested are necessary for ELC pursue its purpose by to monitoring, publicizing and enforcing responsible agencies' obligations under the Clean Water Act and other environmental laws, and will contribute significantly to the public's overall understanding of the past and proposed implementation of the Clean Water Act.

Further, the requested information will contribute significantly to the public's understanding of EPA's development of the latest guidance for identifying the state of the public's waterways. The evolution of this guidance is of particular interest in California, which has lagged significantly behind other states in complying with Clean Water Act section 303(d) listing mandates.

ELC Will Use and Disseminate the Requested Documents for the Public Benefit

ELC will use the requested documents in numerous ways that benefit the public interest. First, we will pursue litigation, if and as appropriate, to enforce the provisions of the Clean Water Act, and/or other federal, state, and local environmental laws. This use alone warrants grant of a fee waiver, even if it were our only purpose in requesting the documents. *See Idaho Wildlife Federal v. United States Forest Service No. 82-1206* (D.D.C. July 20, 1983) (public interest group entitled to a fee waiver when requesting documents to support monitoring and enforcement of agency compliance with environmental laws).

ELC also would use the requested information as a part of its ongoing efforts to educate the public, and federal and regional agencies about the implementation of the Clean Water Act. The requested information is essential to be able to accurately inform these groups the requirements of the Clean Water Act in relation to impaired water bodies.

Finally, ELC will disseminate the information from the requested documents to the interested community and the general public through its public education activities. ELC publishes and distributes to its members and others via action alerts and its website. In addition, ELC would incorporate information obtained from this request in its numerous presentations to and discussions with local, state and federal agencies and other interested parties.

ELC Is Uniquely Well-Qualified to Use and Disseminate the Requested Documents

ELC is a leader on issues relating to the inherent rights of waterways to flow and fish

populations to thrive. Specifically, ELC has been involved with the development of California's 2012 Clean Water Act 303(d) list since August 2010. Additional information about ELC's work related to waterways' rights is available here: <http://www.earthlawcenter.org/california-waterways>.

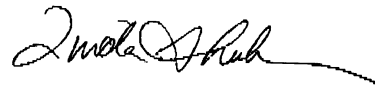
ELC Will Not Benefit Financially from the Requested Information

ELC will not benefit financially from the requested documents. Rather, ELC will use the documents to assess and to monitor responsible agencies' compliance with applicable environmental laws and, as appropriate, to seek equitable relief from the courts if agencies are violating their obligations under these laws.

ELC is a 501(c)(3) non-profit public benefit conservation and research organization that works to ensure that the laws of all governments recognize and protect nature's inherent rights, to exist, thrive and evolve. To support its work in monitoring (and if necessary, challenging) activities that do not comport with applicable laws, ELC will rely primarily on foundation grants and charitable donations.

Pursuant to the Freedom of Information Act, please respond to this request within 20 business days. If you have any questions, please call me at (650) 877-2710 or e-mail me at lsheehan@earthlaw.org.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Linda Sheehan", with a long, sweeping horizontal line extending to the right.

Linda Sheehan
Executive Director
Earth Law Center